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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CALIFORNIA COALITION FOR WOMEN
PRISONERS et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS et al.,

Defendants.

Case No. 4:23-cv-04155-YGR
**ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL
OF PROPOSED CONSENT
DECREE**

The parties have entered into a Proposed Consent Decree that was filed as Exhibit 1 to the Declaration of Kara Janssen in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Proposed Consent Decree, which would settle all claims for injunctive relief in this case. The parties have submitted a Proposed Notice to the Class Members, attached as Exhibit 2 to the Declaration of Kara Janssen in Support of the Motion for Preliminary Approval. This Court has presided over the proceedings in the above-captioned action and has reviewed all of the pleadings, records, and papers on file and finds that, good cause appearing, **IT IS ORDERED** as follows:

1. This action is determined to be properly maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. The Court has already certified a class defined as “[a]ll people who are now, or will be in the future, incarcerated at FCI Dublin and subject to FCI Dublin’s uniform policies, customs, and practices concerning sexual assault, including those policies, customs, and practices related to care in the aftermath of an assault and protection from retaliation for reporting an assault.” (ECF No. 222). The Court approves the Parties’ revised class definition of “all people who were incarcerated at FCI Dublin between March 15, 2024 and May 1, 2024, and all named Plaintiffs.”

2. The Proposed Consent Decree falls within the range of possible approval and is sufficiently fair to warrant the dissemination of notice to the Class Members apprising them of the settlement. The Proposed Consent Decree is the product of arm’s-length, serious, informed, and non-collusive negotiations between experienced and knowledgeable counsel who have actively prosecuted and defended this litigation. The Proposed Consent Decree is granted preliminary approval and incorporated herein by this reference, and has the full force and effect of an order of the Court.

3. During the hearing on the preliminary approval, the Court discussed at length its concerns with the settlement. The Court appreciates the parties’ willingness to address these issues as they may impact final approval. The parties agreed to work on the issue during this interim period and shall file a supplement addressing the issues by January 24, 2025.

4. Within two (2) business days after this Order granting Preliminary Approval, the written notice of settlement (the “Notice”) and the Proposed Consent Decree shall be disseminated to the Class Members in written form by the BOP. The Notice informs Class Members that there is no right to opt-out of the Class. The Notice constitutes valid, due, and sufficient notice to the Class Members, constitutes the best notice practicable under the circumstances, and complies fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure. The Notice apprises Class Members in a fair and neutral way of the existence of the Proposed Consent Decree and their rights with respect to the Proposed Consent Decree.

5. Dissemination of the Notice as provided above is hereby authorized and approved, and satisfies the notice requirement of Rule 23(e), the Federal Rules of Civil Procedure, the Constitution of the United States, due process, and any other applicable rule(s) of this Court. The Government must file and serve on Class Counsel a declaration affirming that notice was published as required in this Order.

6. Any Class Member may enter an appearance on their own behalf in this action through that Class Member's own attorney (at their own expense), but need not do so. Class Members who do not enter an appearance through their own attorneys will be represented by Class Counsel.

7. In order to ensure the timely receipt of any objection to the Proposed Consent Decree Class Members may wish to submit, the Court sets the following deadlines:

8. Parties shall file the supplement discussed at the hearing by January 24, 2025.

9. Any Class Member may object to the Proposed Consent Decree by submitting an objection by February 7, 2025. Class Counsel will respond to any timely-filed objections not later than February 14, 2025 in the context of filing the Motion for Final Approval.

10. The Court will consider written communications when deciding whether to approve the Proposed Consent Decree. Comments must include at the top of the first page the case name, California Coalition for Women Prisoners et al. v. United States of America Federal Bureau of Prisons et al., and case number (4:23-CV-04155-YGR). Comments must be postmarked no later than February 7, 2025, and sent to the following address:

Clerk of the Court
United States District Court
Northern District of California
1301 Clay Street, Suite 400S
Oakland, CA 94612

11. A hearing is appropriate to consider whether this Court should grant final approval to the Proposed Consent Decree, and to allow adequate time for Class Members, or their counsel, to support or oppose this settlement.

12. A final approval hearing pursuant to Rule 23(e), Federal Rules of Civil Procedure, will be in the Courtroom of undersigned on February 25 at 1:00 p.m. in the United States District Court for the Northern District of California, to determine whether the proposed settlement is fair, reasonable, and adequate, and whether it should be finally approved by the Court. The hearing may be continued from time to time without further notice. Party briefs in support of final approval shall be filed on or before February 14, 2025

IT IS SO ORDERED.

Honorable Yvonne Gonzalez Rogers
United States District Judge

DATED: December 20 , 2024